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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 An Lee,

10 Plaintiff,

11 v.

12 BHVT Motors LLC,

13 Defendant.
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No. CV-21-01552-PHX-DWL

ORDER

15 Pursuant to the Court's Case Management Order, Plaintiff was required to file and
16 serve a Notice of Readiness for Final Pretrial Conference ("Notice") within seven days
17 after the dispositive motions deadline if no dispositive motions were pending on that date.
18 (Doc. 16 ¶ 14.) The dispositive motions deadline was April 22, 2022. (*Id.* ¶ 8.) No
19 dispositive motions were pending on that date, but Plaintiff failed to file the Notice. In
20 fact, the docket reflects no activity since December 2021.

21 Plaintiff has been warned that failure to meet deadlines in the Court's Case
22 Management Order without substantial justification "may result in sanctions, including
23 dismissal of the action." (*Id.* ¶ 15.) "It is within the inherent power of the court to sua
24 sponte dismiss a case for lack of prosecution." *Ash v. Cvetkov*, 739 F.2d 493, 496 (9th
25 Cir. 1984). "When considering whether to dismiss a case for lack of prosecution, the
26 district court must weigh the court's need to manage its docket, the public interest in
27 expeditious resolution of litigation, and the risk of prejudice to the defendants against the
28 policy favoring disposition of cases on their merits, and the availability of less drastic

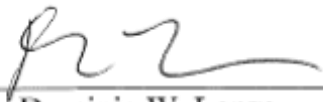
1 sanctions.” *Id.* The Ninth Circuit has affirmed dismissal without prejudice for a delay as
2 short as four weeks, noting that “[a] relatively brief period of delay is sufficient to justify
3 the district court’s sending a litigant to the back of the line.” *Id.* at 497.

4 Plaintiff must show cause why this case should not be dismissed without prejudice
5 for failure to prosecute by filing a memorandum, not to exceed five pages, which
6 discusses the status of this case, explains the reason for the delay, and addresses the *Ash*
7 factors.

8 Accordingly,

9 **IT IS ORDERED** that Plaintiff shall file a memorandum by **August 19, 2022**, not
10 to exceed five pages, showing cause why this case should not be dismissed for failure to
11 prosecute.

12 Dated this 5th day of August, 2022.

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17 Dominic W. Lanza
18 United States District Judge
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